

FILED

JUN 05 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

JENNIFER HOUSE, L.P.N.
License # 26NP05405900

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about June 27, 2103, a letter of inquiry was sent to respondent's address of record with the Board, asking respondent to supply information concerning her nursing employment, continuing education, and a June 25, 2013 arrest on charges of theft by deception.

3. In a communication dated November 15, 2013, respondent's attorney indicated that respondent entered a not guilty plea to a 2008 indictment and the State agreed to defer prosecution. The attorney further provided that in 2013, respondent

entered into Pre-Trial Intervention, but provided no copy of the summons/complaint, indictment, police report, no documentation of respondent's admission into the Pre-Trial Intervention Program, and no documentation of continuing education.

4. On or about November 20, 2013, a Division of Consumer Affairs employee faxed respondent's attorney asking for additional documentation, and made follow-up calls to the attorney's office, however no documentation of admission into the Pre-Trial Intervention Program, no copy of the summons/complaint, and no documentation of continuing education was provided.

5. On her 2012 renewal application, respondent indicated that she would have completed all required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012.

CONCLUSIONS OF LAW

1. Respondent's failure to fully respond to the Board's letter of inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. Respondent's failure to supply documentation of required continuing education for the June 1, 2010 – May 31, 2012 renewal period is interpreted as a failure to complete required continuing education in violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's indication on her renewal application that she would have completed required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012 constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and civil penalties was filed on February 28, 2014. Copies were served upon respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent's attorney replied to the Provisional Order of Discipline by providing a copy of the November 15, 2013 letter previously received by the Board, as well the first page of the 1st Order of Postponement for PreTrial Intervention. After additional follow-up communication from the Board, the attorney further provided a copy of the 2008 indictment indicating that in 2007, respondent obtained over five hundred dollars' worth of merchandise from Costco by creating and reinforcing a false impression that the bank would honor certain checks knowing that the bank would not honor the checks. After the state deferred prosecution of the charges, respondent entered into PreTrial Intervention on September 9, 2013 for a period of twenty-four months.

As for continuing education, nurses are required to complete thirty hours of continuing education each biennial renewal period pursuant to N.J.A.C. 13:37-5.3. Respondent failed to provide documentation of any continuing education completed within the June 1, 2010 – May 31, 2012 biennial period. Respondent provided a

transcript of continuing education courses listing 31.3 hours of continuing education completed in March 2014. However, one of those courses (Using Evidence to Reduce the Risk of Stroke in Women for one contact hour on 3/14/14 and one contact hour on 3/19/14) was a repeat and shall not be counted twice. As such, the transcript indicates that respondent completed 30.3 hours of continuing education. In accordance with Board regulation, N.J.A.C. 13:37-5.3, respondent also provided the certificates of completion for the courses listed on the transcript so that the Board could ensure that the hours were accredited/approved as continuing education for nurses. However, one certificate listed on the transcript (Stroke: Making the Transition to Chronic Care Management for one contact hour on March 22, 2014) was not included in the packet of certificates and the actual certificates tallied 29.3 hours.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested in the letter of inquiry, the Board determined that suspension was no longer warranted on that basis. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

As for continuing education, respondent failed to demonstrate, to the satisfaction of the Board, that she completed any continuing education during the June 1, 2010 –

May 31, 2012 biennial period and the Board determined that a two hundred and fifty dollar (\$250) civil penalty is warranted. Respondent may cure that deficiency by applying the thirty hours of continuing education completed in March 2014 as make-up courses. As such, the Board finds that suspension based upon continuing education is not warranted. Those March 2014 thirty hours of courses shall cure the deficiency of the June 1, 2010 – May 31, 2012 biennial period, but shall not count towards the June 1, 2012 – May 31, 2014 biennial period. Based on respondent's failure to demonstrate that she completed any continuing education during the June 1, 2010 – May 31, 2012 biennial period, the Board finds that respondent engaged in misrepresentation on her 2012 license renewal when she answered that she had completed all the required continuing education. For that, a reprimand is warranted.

ACCORDINGLY, IT IS on this 5th day of June 2014,

ORDERED that:

1. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b).
2. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3, as well as a civil penalty in the amount of two hundred and fifty dollars (\$250) for failure to timely complete required continuing education in violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final

Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education completed after May 31, 2012 and used to cure the deficiency of a previous biennial period shall not be used to satisfy the requirements of the June 1, 2012 – May 31, 2014 biennial period. Respondent shall complete another thirty hours of continuing education to satisfy the requirements of the June 1, 2012 – May 31, 2014 biennial period.

4. The Board reserves the right to initiate disciplinary action based upon the final disposition of the criminal matter, any information received regarding the conduct leading to respondent's arrest, or any other new information received.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy, PhD, APN
Patricia Ann Murphy, PhD, APN
Board President